REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-14 are pending prior to the Office Action. Claims 15 and 16 have been added and no claims have been canceled through this reply. Therefore, claims 1-16 are pending. Claims 1, 12, and 14-16 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

OFFICIAL ACTION

Claim Objections

Claim 1 has been objected to for the term "billing models", however, the term "billing models" is correctly recited. Support can be found, for example, on page 2 line 24, page 5 line 32, page 6 line 4, and page 7 line 19 of the specification.

Claim 2 has been objected to for the term "information data", however, the term "information data" is not found in claim 2.

Claim 14 has been rewritten in independent format as indicated by the Examiner.

Based on these amendments and remarks, it is respectfully requested that the outstanding objects be withdrawn.

Claim Rejection - 35 U.S.C. § 112, second paragraph

Claims 1, 3, 5 and 10-12 have been rejected as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention by lacking insufficient antecedent basis.

Claims 1, 3, 5 and 10-12 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of the claims remain the same.

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Claim Rejection - 35 U.S.C. § 101

The Examiner rejected claims 12 and 14 asserting that they are not directed to statutory subject matter.

By this amendment, Applicant has amended claim 14 in independent format and claim 14 recites "A machine-readable medium having instructions stored thereon, such that when the instructions are read and executed by a processor, the processor is configured to perform the steps of...". As such, Applicant respectfully submits that claim 14 is directed to statutory subject matter. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

The Examiner rejected claim 12 asserting the system contains software (data) structures not claimed as embodied in computer-readable media and therefore are descriptive material *per se* and are not statutory because they are not capable of causing function change in a computer. Applicant respectfully disagrees with the Examiner.

MPEP 2106.01 I. states:

> *Only* when the claimed invention taken as a *whole* is directed to a mere *program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.* Emphasis added.

Apparatus claim 12 is directed a Pre-Paid mediator managing customer accounts in connection with a Pre-Paid platform. Claim 12 further includes a billings unit communicating with the Pre-Paid platform, at least one proxy for communicating with applications, a data-transfer interface in which case the proxies can be made modular, wherein the proxies include a unit for collecting and/or managing the price and other similar data of the services used by customers, and the billing unit includes a unit for billing a customer's Pre-Paid account in the Pre-Paid platform, and wherein the proxy is used to control the delivery of the service used by the user, and the proxy prevents services being delivered to the user, if the user's pre-paid account is empty, or if the price of the service is greater than the funds in the Pre-Paid account.

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Claim 12 as a whole is not directed to a mere program. Thus, claim 12 is statutory. Further, claim 12 defines the structural/functional interrelationships between elements and other claimed aspects of the invention which permit the functionality to be realized. Thus, claim 12 is statutory.

As such, Applicant respectfully submits that claims 12 and 14 are directed to statutory subject matter.

Claim Rejection - 35 U.S.C. § 102(e)

Claims 1-7 and 14 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Mattila et al. (U.S. Patent Publication 2003/0065777). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Mattila fails to teach or suggest each and every claimed element. Mattila discloses a system and method for controlling access to downloadable resources on a network. Mattila's system is an access rights checking system where one check is pre-paid account check. However this is not an "online type of solution". Further, the pre-delivery control is at least 100% control and the debiting is missing. Also, the Mattila system is presented to be operable in WAP/IP environment whereas the invention can operate in any kind of communications system. Mattila discloses how the ticket information must be specified when checking access rights (paragraph 49). This kind of measures is not used within online charging as in the invention.

Claims 1 and 12 features not taught by Mattila:

Independent claims 1 and 12 have been amended to include claims 4 and 6, claim 1 now recites, *inter alia*, "the applications are arranged to communicate with at least one proxy...the proxies are used to collect and manage the services used by the customers, the billing models,

and rating, and...the <u>proxies</u> prevents services being delivered to the user, if the user's pre-paid
account is empty, or if the price of the service is greater than the funds in the Pre-Paid account"
and claim 12 now recites, *inter alia*, "at least one proxy for communicating with
applications,...the <u>proxies</u> include a unit for collecting and/or managing the price and other
similar data of the services used by customers, and...the <u>proxies</u> prevents services being
delivered to the user, if the user's pre-paid account is empty, or if the price of the service is
greater than the funds in the Pre-Paid account". *Emphasis added.* Applicant respectfully
traverses the rejection of claims 1 and 12 as amended to include claims 4 and 6 for the following
reasons:

At most, Mattila discloses one download server (DLS) 102. Thus, Mattila does not
disclose several proxies.

Claims 1 and 12 features not taught by Mattila:

Independent claims 1 and 12 have been amended to include claims 4 and 6, claim 1 now
recites, *inter alia*, "the proxies are used to collect and manage..., <u>the proxy is used to control the</u>
<u>delivery of the service used by the user, and the proxies prevents services being delivered to the</u>
<u>user, if the user's pre-paid account is empty, or if the price of the service is greater than the funds</u>
<u>in the Pre-Paid account</u>" and claim 12 now recites, *inter alia*, "the proxies include a unit for
collecting and/or managing ..., <u>the proxy is used to control the delivery of the service used by</u>
<u>the user, and the proxies prevents services being delivered to the user, if the user's pre-paid</u>
<u>account is empty, or if the price of the service is greater than the funds in the Pre-Paid account.</u>"
Emphasis added. Applicant respectfully traverses the rejection of claims 1 and 12 as amended to
include claims 4 and 6 for the following reasons:

In Mattila the 100% pre-delivery control is not presented (paragraph 57 and figure 7). In
Figure 7, Mattila teaches the actions performed by the DLS transaction handler where multiple
requests are associated with a transaction. In this presentation and especially in phases 716-720
it should be noted that there is not any pre-delivery control presented. There is only presented a
pre-paid account check before fetching content from content storage and sending it to terminal.
And after that phase the charging event record is created. For clearance in Figure 7 in phase 712

the authorization is checked but it should be noted that authorization and pre-delivery control are different things.

Claims 1 and 12 features not taught by Mattila:

Independent claims 1 and 12 have been amended to include claims 4 and 6, claim 1 now recites, *inter alia*, "applications communicate with the Pre-Paid platform, wherein, the applications are arranged to communicate with at least one proxy and the Pre-Paid platform correspondingly with a billing module, in which case the proxy and the billing module communicated with each other in a logically predefined manner, and...the billing module is used to bill a customer's Pre-Paid account, which is located on the Pre-Paid platform, or in a system behind the Pre-Paid platform" and claim 12 now recites, *inter alia*, "a billings unit for communicating with the Pre-Paid platform,...at least one proxy for communicating with applications,...a data-transfer interface in the direction of the applications is formed to be logically one-way, in which case the proxies can be made modular,...the billing unit includes a unit for billing a customer's Pre-Paid account in the Pre-Paid platform". *Emphasis added.* Applicant respectfully traverses the rejection of claims 1 and 12 as amended to include claims 4 and 6 for the following reasons:

Mattila does not disclose the connection of SS7 and IP interface is coupled together. The Examiner does not expressly disclose where an actual Pre-paid Mediator is in the Mattila document. Furthermore, it was unclear what parts of Mattila contain the invention and its pre-paid charging node (5) and multiple proxies (4). Continuing from proxies (4) the Mattila document does not show the several different types of network elements. Lastly, Mattila does not disclose a Pre-paid account platform (8) e.g. IN system.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stille et al. (U.S. Patent 6,724,748) in view of Mattila et al. et al. (U.S. Patent Publication 2003/0065777). Applicant respectfully traverses this rejection.

Claims 8-9 are dependent on independent claim 1, therefore, includes all the limitations of independent claim 1. Thus, Applicant submits that claims 8-9 are allowable at least by virtue of its dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Mattila and Stille, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-14 are distinguishable over the cited references.
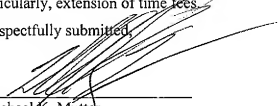
Applicant respectfully requests that the claims 1-16 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: **January 28, 2008**   Respectfully submitted,

By

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